BEFORE THE LOK ADALATH

ORGANISED BY THE KERALA HIGH COURT LEGAL SERVICES COMMITTEE

PRESENT :

THE HONOURABLE MR. JUSTICE M.M.PAREED PILLAY(RETD.CHIEF JUSTICE)
&
THE HONOURABLE MR. JUSTICE M.R.HARIHARAN NAIR (RETD.JUDGE)

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

FAO.No. 35 of 2003()

AGAINST THE ORDER DATED 16/07/2002 IN EA.143/97 IN
OS.180/1985 of SUB COURT, THIRUVALLA
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APPELLANTS/PETITIONERS/NO PARTY
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1. EAPEN GEORGE, EDATHIL PUTHEN PARAMBIL
ANAPRAMBAL NORTH, THALAVADY.

2. MARYKUTTY GEORGE W/O. EAPEN GEORGE,
EDATHIL PUTHEN PARAMBIL, ANAPRAMBAL NORTH
THALAVADY.

BY ADV. SRI.SATHISH NINAN

RESPONDENTS/ COUNTER PETITIONERS/PLAINTIFF & DEFENDANT
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1. THOMAS NINAN, PALLIVATHUKKAL,
THUKALASSERY, TIRUVALLA NOW AT PIRALE CHITRA,
AZAD ROAD, VYLOPPALLY LANE, KALLOOR, ERNAKULAM.

2. SIFCO FINANCIERS, TIRUVALLA, PROPRIETOR
KOTTARATHIL SADASIVAN, KOTTARATHIL VEEDU,
EDAPPAVOOR, AYROOR.

BY ADV. SRI.RAJIT
SRI.M.NARENDRA KUMAR
SRI.SALISH ARAVINDAKSHAN
SRI.P.K.JOSEPH

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR DETERMINATION AT THE LOK ADALATH AND THE PARTIES HAVING SETTLED THE MATTER, THE FOLLOWING AWARD IS PASSED IN TERMS OF THE SETTLEMENT.

M.M.PAREED PILLAY (RETD. CHIEF JUSTICE)
&
M.R.HARIHARAN NAIR (RETD.JUDGE)

F.A.O.No.35 OF 2003

Dated this the 9th day of March, 2007

A W A R D

The parties to this case have settled their disputes in the following terms:

2. The 2nd respondent will pay to the 1st respondent a total sum of Rs.62.5 lakhs in two instalments, the 1st instalment of Rs.20 lakhs being payable on or before 15.4.2007 and the balance of Rs.42.5 lakhs being payable on or before 15.9.2007. All the payments mentioned above will be paid in the form of demand draft payable at Ernakulam. The 2nd respondent will also settle the disputes that exist in between the 2nd respondent and the appellant by paying the decree amount and cost on or before 15.4.2007.

3. On payment of the full amount of Rs.62.5 lakhs as above, the sale and delivery made by the court below in favour of the 1st respondent will stand set aside and the 2nd respondent will get redelivery, if necessary, through court.

4. In case there is failure on the part of the 2nd respondent to comply with his obligations as mentioned above, the impugned order will stand in full force and proceedings based thereon will continue.

5. In case there is failure on the part of the 1st respondent or the appellant to receive the amount mentioned above and tendered by the 2nd respondent, the 2nd respondent will be free to deposit the amount before the court below and seek further proceedings in accordance with the terms of the settlement.

The appeal is settled as above.

M.M.PAREED PILLAY
(RETD. CHIEF JUSTICE)

M.R.HARIHARAN NAIR
(RETD.JUDGE)

ps

M.M.PAREED PILLAY (RETD. CHIEF JUSTICE)
&
M.R.HARIHARAN NAIR (RETD.JUDGE)

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9th day of March, 2007